

# **EXHIBIT D**

AO 257 (Rev. 8/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**

Title 15, United States Code, Section 1 (Conspiracy in Restraint of Trade)

- ☐
- Petty
- 
- ☐
- Minor
- 
- ☐
- Misdemeanor
- 
- ☒
- Felony

PENALTY: See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

SEUNG-KYU LEE, a.k.a. SIMON LEE

DISTRICT COURT NUMBER

10 0817

**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)
- ☒
- If not detained give date any prior summons was served on above charges
- 
- 2)
- ☐
- Is a Fugitive
- 
- 3)
- ☐
- Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4)
- ☐
- On this charge
- 
- 5)
- ☐
- On another conviction }
- ☐
- Federal
- ☐
- State
- 
- 6)
- ☐
- Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... If Arresting Agency &amp; Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☒ U.S. Attorney ☐ Other U.S. Agency

Name and Office of Person

Furnishing Information on this form Melinda Haag

Name of Assistant U.S. Attorney (if assigned)

Lidia Maher, Antitrust Div.

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: \_\_\_\_\_

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

PENALTY SHEET

Individuals: SEUNG-KYU LEE, a.k.a. SIMON LEE

Offense Charged: 15 U.S.C. Section 1 (Conspiracy in Restraint

Maximum Penalties:

1. A fine in an amount equal to the largest of:
  - A. \$1,000,000.00
  - B. Twice the gross pecuniary gain derived from the crime.
  - C. Twice the gross pecuniary loss caused to the victims of the crime.
2. A term of imprisonment for ten years.
3. A term of supervised release of at least two years but not more than three years.
4. \$100 special assessment.
5. Restitution.

CR 10

FILED  
2007 NOV -9 PM 3:51  
RICHARD J. WHEKING  
DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
WHA

AO 257 (Rev. 8/78)

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☐ Petty  
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☒ Felony

PENALTY: See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - US

 YÉONG-UG YANG, a.k.a. YEONG-WOOK YANG a.k.a.  
 YONG-SHU YANG, a.k.a. YONG-SHU LIANG, a.k.a.  
 YOUNG-UK YANG, a.k.a. YEONG-EUG YANG, a.k.a.  
 DISTRICT COURT NUMBER ALBERT YANG
**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form Melinda Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Lidia Maher, Antitrust Div.

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☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

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Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

PENALTY SHEET

Individuals:

YEONG-UG YANG, a.k.a. YEONG-WOOK YANG, a.k.a. YONG-SHU  
YANG, a.k.a. YONG-SHU LIANG, a.k.a. YOUNG-HYE YANG,  
a.k.a. YEONG-EUG YANG, a.k.a. ALBERT YANG

Offense Charged: 15 U.S.C. Section 1 (Conspiracy in Restraint of Trade)

Maximum Penalties:

CR 10 0817

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4. \$100 special assessment.
5. Restitution.

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

**OFFENSE CHARGED**

Title 15, United States Code, Section 1 (Conspiracy in Restraint of Trade)

- ☐
- Petty
- 
- ☐
- Minor
- 
- ☐
- Misdemeanor
- 
- ☒
- Felony

PENALTY: See attachment

DEFENDANT

JAE-SIK KIM

DISTRICT COURT NUMBER

CR 10 0817

WHA

**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☒ If not detained give date any prior summons was served on above charges
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- 3) ☐ Is on Bail or Release from (show District)

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- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges

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DATE TRANSFERRED TO U.S. CUSTODY

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**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

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Name and Office of Person

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☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

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Defendant Address:

\* Where defendant previously apprehended on complaint, no new summons or warrant needed; since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

PENALTY SHEET

Individuals: JAE-SIK KIM

Offense Charged: 15 U.S.C. Section 1 (Conspiracy in Rest

FILED  
2010 NOV -9 P 2:51  
RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
CR 10 0817  
WHA

Maximum Penalties:

1. A fine in an amount equal to the largest of:
  - A. \$1,000,000.00
  - B. Twice the gross pecuniary gain derived from the crime.
  - C. Twice the gross pecuniary loss caused to the victims of the crime.
2. A term of imprisonment for ten years.
3. A term of supervised release of at least two years but not more than three years.
4. \$100 special assessment.
5. Restitution.

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

**CR 10 0817**

SEUNG-KYU LEE, a.k.a. SIMON LEE;  
YEONG-UG YANG, a.k.a.  
YEONG-WOOK YANG, a.k.a.  
YONG-SHU YANG, a.k.a. YONG-SHU  
LIANG, a.k.a., YOUNG-UK YANG, a.k.a.  
YEONG-EUG YANG, a.k.a. ALBERT  
YANG; and JAE-SIK KIM

DEFENDANT(S).

## INDICTMENT

Title 15 U.S.C. Section 1 (Conspiracy in Restraint of Trade)

A true bill.

Foreman

Filed in open court this 9 day of

November 2010

BETTY P. LEE

Clerk

Bail, \$

100 bail warrant

Timothy J. Conner  
U.S. Magistrate Judge

**FILED**  
2010 NOV -9 P 2:51  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA



LIDIA MAHER (CSBN 222253)  
 MAY LEE HEYE (CSBN 209366)  
 TAI S. MILDER (CSBN 267070)  
 Antitrust Division  
 U.S. Department of Justice  
 450 Golden Gate Avenue  
 Box 36046, Room 10-0101  
 San Francisco, CA 94102  
 Telephone: (415) 436-6660

Attorneys for the United States

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

FILED  
 2000 NOV -9 P 2:51  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

WHA

0817

UNITED STATES OF AMERICA

No.

v.

INDICTMENT

SEUNG-KYU LEE, a.k.a. SIMON LEE;  
 YEONG-UG YANG, a.k.a.  
 YEONG-WOOK YANG, a.k.a.  
 YONG-SHU YANG, a.k.a. YONG-SHU  
 LIANG, a.k.a., YOUNG-UK YANG, a.k.a.  
 YEONG-EUG YANG, a.k.a. ALBERT  
 YANG; and JAE-SIK KIM,

VIOLATION:  
 Title 15, United States Code,  
 Section 1 (Conspiracy in Restraint of Trade)

San Francisco Venue

Defendants.

The Grand Jury charges that:

I.

DESCRIPTION OF THE OFFENSE

1. The following individuals are hereby indicted and made defendants on the charge stated below: SEUNG-KYU LEE, a.k.a. SIMON LEE; YEONG-UG YANG, a.k.a. YEONG-WOOK YANG, a.k.a. YONG-SHU YANG, a.k.a. YONG-SHU LIANG, a.k.a. YOUNG-UK YANG, a.k.a. YEONG-EUG YANG, a.k.a. ALBERT YANG; and JAE-SIK KIM.

2. Beginning at least as early as January 1997, until at least as late as March 2006, the exact dates being unknown to the Grand Jury, coconspirators of the defendants joined, entered into, and engaged in a combination and conspiracy to suppress and eliminate competition

INDICTMENT - PAGE 1

1 by fixing prices, reducing output, and allocating market shares of color display tubes ("CDTs") to  
2 be sold in the United States and elsewhere. The combination and conspiracy engaged in by the  
3 defendants and coconspirators was in unreasonable restraint of interstate and foreign trade and  
4 commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

5 3. Defendant SEUNG-KYU LEE joined and participated in the conspiracy from at  
6 least as early as January 2000 and continuing until at least December 2005.

7 4. Defendant YEONG-UG YANG joined and participated in the conspiracy from at  
8 least as early as June 2003 and continuing until at least March 2006.

9 5. Defendant JAE-SIK KIM joined and participated in the conspiracy from at least as  
10 early as June 2003 and continuing until at least March 2006.

11 6. The charged combination and conspiracy consisted of a continuing agreement,  
12 understanding, and concert of action among the defendants and coconspirators, the substantial  
13 terms of which were to agree to fix prices, reduce output, and allocate market shares of CDTs to  
14 be sold in the United States and elsewhere for use in computer monitors and other products with  
15 similar technological requirements.

## 16 II.

### 17 MEANS AND METHODS OF THE CONSPIRACY

18 7. For the purpose of forming and carrying out the charged combination and  
19 conspiracy, the defendants and coconspirators did those things that they combined and conspired  
20 to do, including, among other things:

- 21 (a) attending meetings and engaging in conversations and communications in  
22 Taiwan, Korea, Malaysia, China, and elsewhere to discuss the prices,  
23 output, and market shares of CDTs;
- 24 (b) agreeing during those meetings, conversations, and communications to  
25 charge prices of CDTs at certain target levels or ranges;
- 26 (c) agreeing during those meetings, conversations, and communications to  
27 reduce output of CDTs by shutting down CDT production lines for certain  
28 periods of time;

- 1 (d) agreeing during those meetings, conversations, and communications to  
2 allocate target market shares for the CDT market overall and for certain  
3 CDT customers;
- 4 (e) exchanging CDT sales, production, market share, and pricing  
5 information for the purpose of implementing, monitoring, and enforcing  
6 adherence to the agreed-upon prices, output reduction, and market share  
7 allocation;
- 8 (f) implementing an auditing system that permitted coconspirators to visit each  
9 other's production facilities to verify that CDT production lines had been  
10 shut down as agreed;
- 11 (g) authorizing and approving the participation of subordinate employees in the  
12 conspiracy;
- 13 (h) issuing price quotations and reducing output in accordance with the  
14 agreements reached; and
- 15 (i) taking steps to conceal the conspiracy and conspiratorial contacts through  
16 various means.

17 III.

18 DEFENDANTS AND COCONSPIRATORS

19 8. Defendant SEUNG-KYU LEE is or was a resident of Korea. From at least as early  
20 as January 2000 and continuing until at least December 2005, SEUNG-KYU LEE was employed  
21 by Company A and later by Company B. Company B was a joint venture formed in  
22 approximately 2001 between Company A and Company C. Beginning around 2004, SEUNG-  
23 KYU LEE was responsible for CDT sales for Company B. During the period covered by this  
24 Indictment, Company A was a Korean company, and Company B was a company incorporated in  
25 the Netherlands, headquartered in Hong Kong, and engaged in the business of producing and  
26 selling, among other things, CDTs to customers in the United States and elsewhere.

27 9. Defendant YEONG-UG YANG is or was a resident of Korea. From at least as  
28 early as June 2003 and continuing until at least March 2006, YEONG-UG YANG was employed

1 by Company B and, beginning around 2004, was responsible for CRT sales for Company B.  
2 During the period covered by this Indictment, Company B was a company incorporated in the  
3 Netherlands, headquartered in Hong Kong, and engaged in the business of producing and selling,  
4 among other things, CDTs to customers in the United States and elsewhere.

5 10. Defendant JAE-SIK KIM is or was a resident of Korea. From at least as early as  
6 June 2003 and continuing until at least March 2006, JAE-SIK KIM was employed by Company D  
7 and, beginning around 2002, was CRT Sales Division Head for Company D. During the period  
8 covered by this Indictment, Company D was a Korean company engaged in the business of  
9 producing and selling, among other things, CDTs to customers in the United States and elsewhere.

10 11. Various corporations and individuals not made defendants in this Indictment  
11 participated as coconspirators in the offense charged in this Indictment and performed acts and  
12 made statements in furtherance of it.

13 12. Whenever in this Indictment reference is made to any act, deed, or transaction of  
14 any corporation, the allegation means that the corporation engaged in the act, deed, or transaction  
15 by or through its officers, directors, employees, agents, or other representatives while they were  
16 actively engaged in the management, direction, control, or transaction of its business or affairs.

17 IV.

18 TRADE AND COMMERCE

19 13. CDTs are a type of cathode ray tube. Cathode ray tubes consist of evacuated glass  
20 envelopes that contain an electron gun and a phosphorescent screen. When electrons strike the  
21 screen, light is emitted, creating an image on the screen. CDTs are the specialized cathode ray  
22 tubes manufactured for use in computer monitors and other products with similar technological  
23 requirements.

24 14. During the period covered by this Indictment, Company B, Company D, and  
25 coconspirators sold and distributed substantial quantities of CDTs in a continuous and  
26 uninterrupted flow of interstate and foreign trade and commerce to customers located in states or  
27 countries other than the states or countries in which Company B, Company D, and coconspirators  
28 produced CDTs. In addition, payments for CDTs traveled in interstate and foreign trade and

1 commerce.

2 15. During the period covered by this Indictment, the business activities of the  
3 defendants and coconspirators related to the sale and distribution of CDTs that are the subject of  
4 this Indictment were within the flow of, and substantially affected, interstate and foreign trade and  
5 commerce.

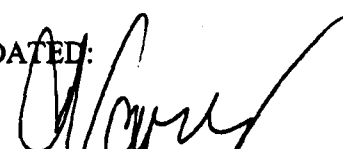
6 V.


7 JURISDICTION AND VENUE

8 16. The combination and conspiracy charged in this Indictment was carried out, in  
9 part, in the Northern District of California, within the five years preceding the filing of this  
10 Indictment.

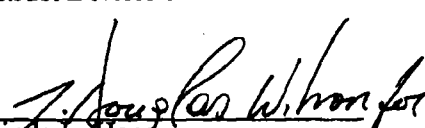
11 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

12 DATED:

13   
14 Christine A. Varney  
15 Assistant Attorney General

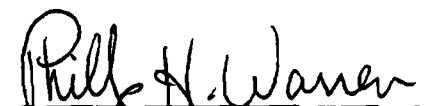
16   
17 Scott D. Hammond  
18 Deputy Assistant Attorney General

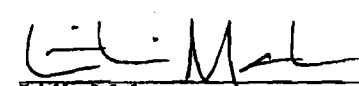
19 United States Department of Justice  
20 Antitrust Division

21   
22 Melinda L. Haag  
23 United States Attorney  
24 Northern District of California

A TRUE BILL

25   
26 FOREPERSON

27   
28 Phillip H. Warren  
Chief, San Francisco Office

  
Lidia Maher  
May Lee Heye  
Tai S. Milder  
Attorneys  
U.S. Dept. of Justice, Antitrust Division  
450 Golden Gate Avenue  
Box 36046, Room 10-0101  
San Francisco, CA 94102  
(415) 436-6660